

DOCKET NO. 2003.10.007.BN0
U.S. SERIAL NO. 10/826,138
PATENT

REMARKS

Claims 1-23 were originally filed in the present application.

Claims 1-23 are pending in the present application.

Claims 1-6, 11-16 and 21-23 were rejected in the May 1, 2008 Office Action.

Claims 7-10 and 17-20 were objected to in the May 1, 2008 Office Action.

No claims have been allowed.

Claims 1-23 remain in the present application.

Reconsideration of the claims is respectfully requested.

Rejection Under 35 U.S.C. § 102(b)

In Section 2 of the May 1, 2008 Office Action, the Examiner rejected Claims 1-6, 11-16 and 21-23 under 35 U.S.C. § 102(b) as being anticipated by U. S. Patent No. 6,393,026 to *Irwin* (hereinafter, simply "Irwin").

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131, p. 2100-76 (8th ed., rev. 4, October 2005) (*citing In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990)). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. *Id.* (*citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987)).

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-11-

DOCKET NO. 2003.10.007.BN0
U.S. SERIAL No. 10/826,138
PATENT

Applicants respectfully submit that Irwin fails to show each and every limitation of Claim 1. Specifically, Claim 1 recites, "a first network processor configured to perform a first group of control and management functions, wherein the control and management functions in the first group are determined based on contents of a first configuration register of the first network processor; and a second network processor configured to perform a second group of control and management functions, wherein the control and management functions in the second group are determined based on contents of a second configuration register of the second network processor."

- The program counter resides at the master node. The program counter is not a configuration register of the computing nodes 110.

The Office Action appears to suggest that the computing nodes 110 of Irwin are the first and second network processors and that the program counter of Irwin is the first configuration register and the second configuration register. However, the program counter of Irwin is not a first configuration register of the first or second network processors, i.e. is not a configuration register of the computing nodes 110, as required by Claim 1. Rather, Irwin explicitly states that the program counter is at the I/O (master) nodes 102. For example, Irwin states:

As the response is returned to the master node for each procedural call sent to the slave nodes, the program counter at the master node is allowed to increment or branch within the main forwarding program. (Col. 6, lines 25-28.) (Emphasis added by Applicants.)

As each computing node 110 is responsible for executing the assigned procedure, the procedures are executed in parallel and the results of the transaction are returned to

DOCKET No. 2003.10.007.BN0
U.S. SERIAL No. 10/826,138
PATENT

the thread at the I/O node 102 where the program counter is advanced to the next instruction in the program flow of the main forwarding program. (Col. 8, lines 6-12.)
(Emphasis added by Applicants.)

Accordingly, the program counter is not a configuration register of the computing nodes 110. The program counter resides at the master node.

- The program counter is assigned to a packet entering the I/O node 102. The program counter is not specific to any of the computing nodes 110.

More importantly, the program counter is assigned to a packet entering the I/O node 102.

The program counter is not specific to any of the computing nodes 110. The following sections of Irwin state, for example:

As each data packet enters the data packet processing system, a program counter is assigned to the packet for the duration of the time the packet is held in the data packet processing system. (Col. 6, lines 5-8.) (Emphasis added by Applicants.)

As a packet enters the system through the I/O node 102, a program counter defining a hardware thread is assigned to the packet...(Col. 7, lines 65-67.)
(Emphasis added by Applicants.)

Accordingly, the program counter is not of the computing nodes 110 as required by Claim 1. The program counter is assigned to the packet.

- Applicants are unable to find any teaching or suggestion in Irwin that the procedural calls submitted to the computing nodes 110 are translated to a program counter register.

DOCKET NO. 2003.10.007.BN0
U.S. SERIAL NO. 10/826,138
PATENT

The Office Action attempts to make up for the deficiencies in Irwin by suggesting, "the procedure call forwarded to processor 110 (see lines 1-17 of column 8) is ultimately translated to a program counter register in the processor 110 to execute the procedure call (all processors have a program counter register to track the location of the program instructions in memory)."

Applicants respectfully submit that the procedure call forwarded to computing nodes 110 is not translated to a program counter register. Rather, Irwin explicitly states:

Since the main forwarding program resides at the master node, each of the slave nodes only executes the requested transaction by the procedural call submitted to the respective slave node. (Col. 6, lines 34-37.)

Applicants are unable to find any teaching or suggestion in Irwin that the procedural calls submitted to the computing nodes 110 are translated to a program counter register.

Independent Claims 11 and 21 recite limitations analogous to the novel limitations emphasized above in traversing the rejection of Claim 1 and, therefore, also are patentable over Irwin. Additionally, Claims 2-6, Claims 12-16 and Claims 22 and 23 depend from Claims 1, 11, and 21 respectively, and include all the limitations of their respective base claims. As such, Claims 2-6, 12-16, 22 and 23 also are patentable over Irwin.

Accordingly, the Applicants respectfully request the Examiner to withdraw the § 102 rejections with respect to Claims 1-6, 11-16 and 21-23.

DOCKET No. 2003.10.007.BN0
U.S. SERIAL No. 10/826,138
PATENT

Allowable Subject Matter

In Section 3 of the May 1, 2008 Office Action, the Examiner objected to Claims 7-10 and 17-20 as being dependent upon a rejected base claim, but suggested that Claims 7-10 and 17-20 would be allowable if it were rewritten in independent form including all the limitations of the base and intervening claims. Applicants thank the Examiner for this suggestion but elect not to rewrite Claims 7-10 and 17-20 at this time.

The Applicants also disagree with the Examiner's rejections of Claims 1-6, 11-16 and 21-23 based on additional misdescriptions and/or misapplications of Irwin to at least some of Claims 1-6, 11-16 and 21-23. However, the Applicants' arguments regarding those other shortcomings of Irwin are moot in view of the Claim 1 arguments above. However, the Applicants reserve the right to dispute in future Office Action responses the appropriateness and the applications of Irwin to the claims of the present application, including the right to dispute assertions made by the Examiner in the May 1, 2008 Office Action.

DOCKET No. 2003.10.007.BN0
U.S. SERIAL No. 10/826,138
PATENT

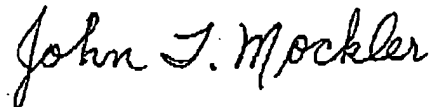
SUMMARY

For the reasons given above, the Applicants respectfully request reconsideration and allowance of the pending claims and that this application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@munckcarter.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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